

Business Law

1. Analyze the relationship between ethics and the law and describe the sources of the law, the structure of the court system, the different classifications of procedural law, and the different classifications of substantive law.

- 1.1 Explain a person's responsibility to obey the law
- 1.2 Identify ethical character traits
- 1.3 Explain the relationship between law and ethics
- 1.4 Describe the role of values in constructing an ethical code and a legal system
- 1.5 Identify ethical character traits, such as honesty, integrity, compassion and justice
- 1.6 Explain a person's responsibility under the law
- 1.7 Identify consequences of unethical and illegal conduct
- 1.8 Describe how to develop an ethical and legal lifestyle
- 1.9 List the most common sources of the law
- 1.10 Explain the way social forces may sometimes conflict
- 1.11 Compare and contrast various ethical theories
- 1.12 Analyze and solve difficult ethical and legal problems
- 1.13 Demonstrate how a rule of law may be synthesis of conflicting social forces
- 1.14 Compare and contrast differences in ethical and legal systems from state to state and nation to nation
- 1.15 Explain the Constitution and describe the branches of government as presented in the Constitution
- 1.16 Define statutory law, identify the purposes of statutory law, and describe how a bill becomes a statute
- 1.17 Define regulations and explain how administrative agencies create regulations
- 1.18 Describe the powers and limitations of the federal government as stated in the Constitution
- 1.19 Identify the basic freedoms guaranteed by the Bill of Rights and describe several key Constitutional amendments beyond the Bill of Rights.
- 1.20 Compare and contrast the national constitution with state, territory, and province constitutions
- 1.21 Determine how courts make law and explain the role of precedent in the legal system
- 1.22 Locate, interpret, and apply specific statutes and administrative regulations
- 1.23 Analyze specific cases by stating the facts, finding the legal question, applying the law, and resolving the issue
- 1.24 Analyze the constitutionality of various statutes and regulations
- 1.25 Compare and contrast the sources of the law in countries outside the United States and Canada
- 1.26 Compare and contrast sources of international law
- 1.27 Explain the function of the court
- 1.28 Describe the basic structure of the national and state territory province court systems
- 1.29 Distinguish among the roles of the legal professionals, such as judges, lawyers, and paralegal
- 1.30 Differentiate among cases that belong within the jurisdiction of the federal and state, territory and province court systems
- 1.31 Compare the role of the juvenile court with the role of other courts within a state, territory, or province
- 1.32 Explain the role of the national and state, territory, and province appellate courts

- 1.33 Differentiate between the roles of the U.S. Supreme Court and state, territory, and province supreme courts
- 1.34 Analyze the reasons that certain cases reach the U.S. Supreme Court
- 1.35 Distinguish between procedural law and substantive law
- 1.36 Define litigation and describe methods for resolving disputes other than litigation
- 1.37 Explain the advantages and disadvantages of arbitration, mediation, and conciliation
- 1.38 Compare and contrast the steps in a civil law suit with the steps in a criminal prosecution
- 1.39 List and explain the steps in criminal and civil trials
- 1.40 Describe the appellate process in criminal and civil cases
- 1.41 Distinguish between civil and criminal law
- 1.42 Differentiate among categories of crime, such as treason, felonies, and misdemeanors
- 1.43 Identify different areas of civil law, such as torts, contracts, and property
- 1.44 Define different types of business crimes, such as arson, forgery, and embezzlement
- 1.45 Determine several defenses to criminal acts, such as the insanity-defense and self-defense
- 1.46 Distinguish between a tort and a crime
- 1.47 Differentiate between and give examples of negligence and intentional torts
- 1.48 Explain the concepts of the reasonable person test and proximate cause
- 1.49 Explain the concept of absolute liability and describe circumstances under which it is imposed
- 1.50 Describe the penalties available for criminal law and the remedies available in tort law
- 1.51 Differentiate among the penalties for committing felonies and misdemeanors
- 1.52 Analyze the statutory criteria for imposing the death penalty
- 1.53 Differentiate between survival statutes and wrongful death statutes
- 1.54 Discuss the consequences of violating criminal and civil law in different countries

2. Analyze the relationships among contract law, law of sales, and consumer law.

- 2.1 Demonstrate an understanding of the nature of a contractual relationship
- 2.2 List the elements required to create a contract
- 2.3 Differentiate among classes of contracts, such as bilateral and unilateral; express and implied; and oral and written
- 2.4 Explain how offer and acceptance can create contractual rights and duties
- 2.5 Determine whether or not an agreement is definite enough to be enforced as a contract
- 2.6 Differentiate among the ways that assent can be disrupted, such as fraud, non-disclosure, misrepresentation, mistake, duress, and undue influence
- 2.7 Define and distinguish between different types of consideration and list the exceptions to the requirements of consideration
- 2.8 Explain a minor's right to avoid a contract and identify people who lack contractual capacity
- 2.9 List the essential information that should be included in writing under the statute of frauds
- 2.10 Explain the parole evidence rule
- 2.11 Describe the various rules applied to the interpretation of contracts
- 2.12 Explain the various rules applied to contracts involving third parties
- 2.13 List the ways a contract can be discharged
- 2.14 Describe breach of contract and the remedies available when a contract is breached

- 2.15 Discuss the impact of the law of different countries on contractual transactions
- 2.16 Analyze the impact of international law on contracts
- 2.17 Differentiate among goods, service, and real property contracts
- 2.18 Distinguish between a sale of goods and other transactions relating to goods
- 2.19 Describe the Uniform Commercial Code (UCC) and explain why the UCC has been adopted by the states
- 2.20 Explain when title and risk of loss pass in a sale of goods
- 2.21 Distinguish between rejection of nonconforming goods and revocation of acceptance
- 2.22 Identify various types of warranties and describe how each of the warranties may be excluded or modified
- 2.23 List and explain the remedies of the seller when the buyer breaches the sales contract
- 2.24 List and explain the remedies of the buyer when the seller breaches the sales contract
- 2.25 Determine the circumstances in which the parties may limit the damage recovery of the opposing party
- 2.26 Define the statute of limitations and describe when the time period of this statute usually begins and ends in a sales transaction
- 2.27 State when a contract for the sale of goods must be evidenced by a writing
- 2.28 List and define the performance obligations of the seller and buyer in a typical sales transaction and define the terms F.O.B., F.A.S., C.I.F., C.F., and C. & F. and state the legal consequences of using them
- 2.29 Discuss the impact of the laws of different countries on sales transactions
- 2.30 Analyze the impact of international law on sales transactions
- 2.31 Identify legislation which regulates consumer credit, such as Fair Credit Reporting Act, Fair Credit Billing Act, Equal Credit Opportunity Act, Fair Credit Collection Practices Act, and Consumer Product Safety Act, and the Consumer Leasing Act
- 2.32 Discuss consumer protection legislation, such as the Federal Trade Commission Act, the Consumer Product Safety Act, and the Consumer Leasing Act
- 2.33 Discuss the impact of the law of different countries on consumer protection
- 2.34 Analyze the impact of international law on consumer protection

3. Analyze the role and importance of agency law and employment law as they relate to the conduct of business in the national and international marketplaces.

- 3.1 Demonstrate an understanding of the nature of an agency relationship and list the ways agency relationships may be created.
- 3.2 Distinguish between an agent and individuals, such as independent contractors, real estate brokers, bailees, and trustees
- 3.3 Distinguish between a general power of attorney and a limited power of attorney
- 3.4 Explain the different types of agents
- 3.5 Define ratification and its elements
- 3.6 Differentiate among the types of agency authority, such as express, incidental, customary, and apparent
- 3.7 Explain the duties an agent owes the principal and explain the duties the principal owes the agent
- 3.8 Describe when and how an agent can become liable to a third party in a contract
- 3.9 List and explain the methods by which an agency can be terminated by acts of the parties and by operation of law
- 3.10 Explain the principal's liability to third parties when contracting through an agent
- 3.11 Discuss the impact of international law on agency

- 3.12 Demonstrate an understanding of the nature of the employer-employee relationship
- 3.13 Explain the doctrine of employment-at-will and describe the wrongful discharge exceptions to employment-at-will
- 3.14 Explain the relationship of Title VII of the Civil Rights Act to employment
- 3.15 Explain the difference between disparate treatment and disparate impact in discrimination cases
- 3.16 Determine what questions can and cannot be asked during an employment interview
- 3.17 Demonstrate an understanding of the basis on which employees or applicants may be asked to take tests, such as aptitude, psychological, polygraph, and drug tests
- 3.18 Identify other legislation that regulates employee rights, such as the Americans with Disabilities Act, the Immigration Reform and Control Act, and the Occupational Safety and Health Act
- 3.19 Determine legislation which guarantees worker benefits, such as unemployment insurance legislation, workers' compensation legislation, and social security legislation
- 3.20 Describe the collective bargaining process
- 3.21 Identify legislation that regulates union activities such as the National Labor Relations Act, the Taft-Hartley Act, and the Landrum-Griffin Act
- 3.22 Discuss the impact of the law of different countries on employment
- 3.23 Analyze the impact of international law on employment

4. Describe the major types of business organizations operating within the socio-economic arena of the national and international marketplace today and in the future.

- 4.1 Describe the powers and duties of partners
- 4.2 Distinguish among the different types of partners, such as silent, dormant, and secret
- 4.3 Outline the legal procedures for forming and running a sole proprietorship
- 4.4 Describe legislation, such as the Uniform Partnership Act, that affects partnerships
- 4.5 Explain the property rights involved in partnerships, such as tenancy in partnerships and sharing of profits
- 4.6 Discuss other partnership rights, such as the right to manage, the right to reimbursement, the right to inspect the books, and the right to an account
- 4.7 Identify how the partnership may be dissolved by the acts of the partners, operation of the law, and by order of the court
- 4.8 Determine, after a dissolution, whether a partnership would continue or terminate through a winding up
- 4.9 Explain the winding up of partnership affairs and distribution of partnership assets after dissolution.
- 4.10 Distinguish a limited partnership from a general partnership
- 4.11 Describe legislation, such as the Revised Uniform Limited Partnership Act, that affects limited partnerships
- 4.12 Explain the rights and duties of limited partners and general partners in a limited partnership
- 4.13 Differentiate among other partnership-type business organizations, such as joint ventures, limited partnership associations, and registered partnerships having limited liability
- 4.14 Discuss the impact of the law of different countries on partnerships
- 4.15 Analyze the impact of international law on partnerships
- 4.16 Define corporations and explain why a corporation is a legal entity

- 4.17 Differentiate among types of corporations, such as profit, non-profit, domestic, foreign, and S corporations
- 4.18 Explain the steps informing a corporation
- 4.19 Explain the circumstances under which the courts may disregard the corporate entity and “pierce the corporate veil”
- 4.20 Describe the functions of the board of directors and officers of a corporation with regard to control of corporate affairs
- 4.21 Differentiate among types of stock, such as common and preferred
- 4.22 Identify shareholder rights, such as the right to receive dividends, the right to vote, the right to inspect books, and preemptive rights
- 4.23 Explain the nature of the shareholders’ liability
- 4.24 Describe when promoters, directors, and officers are liable to the corporation, shareholders, and third persons
- 4.25 Differentiate among types of corporate expansion, such as mergers, consolidations, and conglomerates
- 4.26 Identify federal, state, territory, and province statutes that regulate corporations
- 4.27 Describe the ways corporate existence may be terminated
- 4.28 Describe the characteristics of a franchise and analyze where it fits in the economic and legal framework
- 4.29 Discuss the impact of the law of different countries on corporations
- 4.30 Analyze the impact of international law on corporations
- 4.31 Define a limited liability corporation
- 4.32 Explain the steps informing a limited liability corporation
- 4.33 Explain the advantages and disadvantages of doing business as a limited liability corporation
- 4.34 Explain the nature of management responsibilities in a limited liability corporation
- 4.35 Describe the effects of failing to maintain the proper structure of a limited liability corporation
- 4.36 Discuss the impact of the law of different countries on limited liability corporations

5. Explain the rules that apply to personal property and real property.

- 5.1 Define real property, personal property, and fixtures and explain why property distinctions are important
- 5.2 List different methods by which property is acquired
- 5.3 Identify the forms of co-ownership of personal property
- 5.4 Explain how a bailment is created and describe the standard of care different bailees are required to exercise over bailed property
- 5.5 Distinguish between an ordinary bailment and a special bailment
- 5.6 Define intellectual property and list types of intellectual property
- 5.7 Identify a common carrier's liability for loss or damage to goods
- 5.8 Explain the effect of a sale-on-consignment and a sale-on-approval
- 5.9 Determine a hotel keeper's liability
- 5.10 Discuss the impact of the law of different countries on real property transactions
- 5.11 Analyze the impact of international law on personal property transactions
- 5.12 Distinguish among liens, licenses, and easements and explain the differences
- 5.13 List the major estates in land and describe the major features of each
- 5.14 List and describe the forms of co-ownership of real property
- 5.15 Illustrate the method of transferring title (deeding) to real property
- 5.16 Describe the kinds of rental relationships that landlords and tenants may create
- 5.17 Describe the function of warranty and quit claim deeds
- 5.18 Determine methods of transferring real property other than by sale
- 5.19 Distinguish between a lease and a deed
- 5.20 Explain the rights and obligations of landlords and tenants on termination of a lease
- 5.21 Identify federal and state, territory, and province statutes that affect the landlord-tenant relationship
- 5.22 Discuss the impact of the law of different countries on real property transactions
- 5.23 Analyze the impact of international law on real property transactions

6. Analyze the functions of commercial paper, insurance, secured transactions, and bankruptcy.

- 6.1 Explain the importance and function of commercial paper
- 6.2 Demonstrate an understanding of the concept of "negotiability" and distinguish it from "assignability"
- 6.3 Identify and explain the essential elements of a negotiable instrument
- 6.4 Describe the different types of negotiable instruments and different types of endorsements
- 6.5 Explain the contractual relationship between the bank and its customers
- 6.6 Describe stop-payment orders
- 6.7 Describe the legal effect of forgeries and material alterations
- 6.8 Explain the difference between negotiation of order paper and negotiation of bearer paper
- 6.9 Illustrate the importance of warranty liability and its relationship to endorsement liability
- 6.10 Illustrate the "shelter provision" and its exceptions
- 6.11 List the requirements for becoming a holder in due course

- 6.12 Distinguish between an ordinary holder and a holder in due course and explain the rights of a holder in due course
- 6.13 List and explain the universal defenses available against all holders
- 6.14 Describe how the rights of a holder in due course have been limited by the Federal Trade Commission
- 6.15 Distinguish between primary parties and secondary parties
- 6.16 Describe presentment for payment and presentment for acceptance
- 6.17 List and explain the importance of giving notice of dishonor and when such notice is excused
- 6.18 List and explain the various methods of discharge and distinguish the discharge of individual parties from the discharge of all parties
- 6.19 Discuss the impact of the law of different countries on negotiable instruments
- 6.20 Analyze the impact of international law on negotiable instruments
- 6.21 Define insurance and differentiate between requirements for an insurable interest for property insurance with those needed for life insurance
- 6.22 Compare and contrast the different types of life insurance, such as ordinary, limited payment, endowment, and term
- 6.23 Compare and contrast the different types of property insurance, such as automobile, home owner's, and marine
- 6.24 Explain some of the differences in health insurance coverage
- 6.25 Discuss the impact of the law of different countries on insurance
- 6.26 Analyze the impact of international law on insurance
- 6.27 Describe a secured transaction and explain the requirements for creating a valid security interest
- 6.28 Define the major types of collateral
- 6.29 Compare the two methods used to create a security interest
- 6.30 Define after-acquired property and future advances
- 6.31 Compared secured credit sales of consumer goods and secured credit sales of inventory
- 6.32 Explain the rights of the parties upon the debtor's default
- 6.33 Compare a contract of suretyship from a contract of guaranty
- 6.34 Define the parties to a contract of suretyship and a contract of guaranty
- 6.35 Explain the types of defenses that are available to a surety
- 6.36 Explain the nature of a letter of credit and the liabilities of the various parties to a letter of credit
- 6.37 Discuss the impact of the law of different countries on secured transactions
- 6.38 Analyze the impact of international law on secured transactions
- 6.39 Describe and discuss the various aspects of bankruptcy
- 6.40 Compare the differences between voluntary bankruptcy and involuntary bankruptcy cases
- 6.41 Explain the procedure for the administration of the debtor's estate.
- 6.42 Identify debts which are not extinguished by bankruptcy
- 6.43 Discuss the distribution of the estate on liquidation
- 6.44 Identify and discuss alternatives to bankruptcy
- 6.45 Discuss the impact of the law of different countries on bankruptcy
- 6.46 Analyze the impact of international law on bankruptcy

7. Explain how the advances in computer technology impact upon such areas as property law, contract law, criminal law, and international law.

- 7.1 Define the key terms involved in computer law
- 7.2 Determine whether a particular computer program would be protected by labeling it trade secret
- 7.3 Determine when a computer program can be protected by a patent and explain the steps in applying for the patent
- 7.4 Determine when a computer program can be protected by a copyright and explain the steps in applying for the copyright
- 7.5 Identify the circumstances under which the copyright of a computer program has been violated
- 7.6 Determine when computer-related contracts are service contracts and when they are sale of goods contracts
- 7.7 Explain the need for source code escrow agreements
- 7.8 Outline the various claims and defenses that are available in civil suits involving computer contracts
- 7.9 Explain how common law, constitutional law, statutory law, and administrative regulations can be used to prevent the use of computers to invade privacy
- 7.10 Outline the various types of federal, state, territory, and province statutes designed to combat computer crime.
- 7.11 Discuss the impact of the law of different countries on computer law
- 7.12 Analyze the impact of international law on computer law

8. Determine appropriateness of wills and trusts in estate planning.

- 8.1 Define testamentary capacity and testamentary intent
- 8.2 Identify the requirements necessary for valid will
- 8.3 Distinguish between signing, attesting, and publishing a will
- 8.4 Explain how a will may be modified or revoked
- 8.5 Distinguish between the protection given to spouses and to children under the law of wills
- 8.6 Explain what happens to a decedent's estate when a person dies without a will
- 8.7 Identify the responsibilities of an executor or administrator in the settlement of an estate
- 8.8 Describe the probating and contesting of a will
- 8.9 Discuss the impact of the law of different countries on wills
- 8.10 Analyze the impact of international law on wills
- 8.11 Identify the key characteristics of trusts
- 8.12 Differentiate among the various types of trusts, such as charitable, private, spendthrift, revocable, and irrevocable trusts
- 8.13 Explain the advantages and disadvantages of establishing a trust
- 8.14 Identify the powers and duties of trustees
- 8.15 Identify the rights and duties of beneficiaries
- 8.16 Discuss the impact of the law of different countries on trusts
- 8.17 Analyze the impact of international law on trusts

9. Explain the legal rules that apply to marriage, divorce, and child custody.

- 9.1 Define marriage and explain the rights and obligations that are involved in marriage
- 9.2 Contrast the age requirements for marriage under the laws of different states and different national legal systems
- 9.3 Identify the issues and the concerns that might be included in a prenuptial agreement
- 9.4 Distinguish between common law and ceremonial marriages
- 9.5 Identify the types of marriages that are prohibited by law
- 9.6 Discuss the impact of the law of different countries on marriage and the rights and obligations involved in marriage
- 9.7 Explain the impact of the law of different countries on prenuptial agreements
- 9.8 Contrast annulment, divorce, and dissolution proceedings
- 9.9 Explain some of the typical grounds for divorce
- 9.10 Describe the law as it relates to the distribution of property in a divorce
- 9.11 Explain the law of domestic relations as it relates to child custody
- 9.12 Outline the law of domestic relations as it relates to child support
- 9.13 Discuss the impact of the law of different countries on divorce, property distribution, child custody and child support

10. Explain the legal rules that apply to environmental law and energy regulation.

- 10.1 Define environmental law
- 10.2 Relate the historical development of environmental law
- 10.3 Describe the various federal statutes, such as the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, and the Toxic Substance Control Act, that impact upon the environment
- 10.4 Describe the various state statutes that impact upon the environment
- 10.5 Discuss the impact of the law of different countries on environmental regulation
- 10.6 Analyze the impact of international law on environmental regulation
- 10.7 Explain the need for energy regulation and conservation
- 10.8 Relate the historical development of energy regulation
- 10.9 Describe the various federal agencies, such as the Department of Energy, the Energy Regulatory Commission, and the Nuclear Regulatory Commission, that impact upon energy regulation and conservation
- 10.10 Describe the various state statutes that impact upon energy regulation and conservation
- 10.11 Discuss the impact of the law of different countries on energy regulation and conservation
- 10.12 Analyze the impact of international law on energy regulation and conservation